IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

WP(C).No. 34658 of 2006(A)

PETITIONER:

MATHEW JOSEPH, S/O. JOSEPH,
CONTRACTOR, VALIYAPLACKAL HOUSE, ANAVILASAM P.O.,
KUMILY, IDUKKI DISTRICT.

BY ADV. SRI.G.HARIHARAN

RESPONDENTS:
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1. **SALES TAX OFFICER (WC & LT),**
   OFFICE OF THE DEPUTY COMMISSIONER, KATTAPPANA,
   IDUKKI.

2. **STATE OF KERALA,**
   REPRESENTED BY SECRETARY TO GOVERNMENT,
   TAXES DEPARTMENT, SECRETARIATE, TRIVANDRUM.

3. **VILLAGE OFFICER,**
   ANAVILASAM VILLAGE, UDUMPANCHOLA TALUK,
   IDUKKI DISTRICT.

4. **TAHSILDAR (R.R),**
   NEDUMKANDAM, IDUKKI DISTRICT.

5. **DEPUTY COMMISSIONER (APPEALS),**
   COMMERCIAL TAXES, ERNAKULAM.

BY GOVERNMENT PLEADER SRI.MOHAMMED RAFIQ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.34658/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER DT.4.2.03 ISSUED BY THE DEPUTY COMMISSIONER , COMMERCIAL TAXES.

EXT.P2:- COPY OF THE ASSESSMENT ORDERS PASSED BY THE 1ST RESPONDENT FOR THE YEAR 1994-95 VIDE ORDER DT.19.7.04.

EXT.P3:- COPY OF THE CERTIFICATE DT.15.6.06 ISSUED BY THE EXECUTIVE ENGINEER,MINOR IRRIGATION DEPARTMENT , IDUKKI AT KATTAPPANA.

EXT.P4:- COPY OF THE JUDGMENT OF THE HONOURABLE HIGH COURT OF KERALA MADE IN WP(C) NO.19738/05 DT. 28.9.06.

EXT.P5:- COPY OF THE NOTICE NO.A5-1277/05 DT.23.6.06.

EXT.P6:- COPY OF THE MEMORANDUM OF APPEAL FILED BY THE PETITIONER FOR THE YEAR 1994-95.

EXT.P7:- COPY OF THE APPLICATION FOR STAY FILED ALONG WITH EXT.P6 APPEAL.

EXT.P8:- COPY OF THE PETITION FOR EARLY HEARING FILED ALONG WITH EXT.P6 APPEAL.

/TRUE COPY/

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 34658 OF 2006-A

JUDGMENT

The petitioner has approached this Court, praying for a direction to the 5th respondent to consider and pass orders on Ext.P7 stay petition. This Court on 29.12.2006, directed the 5th respondent to consider and pass orders on Ext.P7 within two weeks from the date of production of the order. The recovery pursuant to Ext.P2 was ordered to be stayed for a period of three weeks. The interim order against the recovery was extended by three weeks on 18.1.2007. In view of the direction issued in relation to Ext.P7, no further direction need be issued in this Writ Petition. Accordingly, the writ petition is closed, making the direction to pass orders on Ext.P7 within two weeks, absolute. If the said direction is disobeyed, the petitioner can invoke the contempt jurisdiction.

7th February, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/